

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ANDREA LISTER,

10 Plaintiff,

11 v.

12 COS, *et al.*,

13 Defendants.
14

CASE NO. C17-1298-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Plaintiff's motion to appoint counsel (Dkt. No. 13)
18 and motion for extension of time (Dkt. No. 14). On September 29, 2017, the Court granted
19 Defendants' motion to dismiss Plaintiff's claims pursuant to Federal Rule of Civil Procedure
20 12(b)(6). (Dkt. No. 10 at 5). The Court dismissed Plaintiff's claims without prejudice and
21 granted Plaintiff 30 days to file an amended complaint. (*Id.*) Plaintiff filed the present motions 32
22 days after the Court's Order dismissing her claims. (Dkt. Nos. 13, 14.)

23 Normally, the Court would not grant an untimely motion; however, given Plaintiff's *pro*
24 *se* status the Court believes it is appropriate to allow extra leeway regarding filing deadlines. *See*
25 *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (*pro se* plaintiffs are ultimately held "to less
26 stringent standards than formal pleadings drafted by lawyers.") The Court construes Plaintiff's

1 motion for an extension of time as a request for additional time to file an amended complaint.
2 (*See generally* Dkt. No. 14.) Although untimely, the Court will GRANT Plaintiff's motion for an
3 extension of time to file an amended complaint. (Dkt. No. 14.) Plaintiff's motion for appointment
4 of counsel (Dkt. No. 13) is not properly before the Court for consideration because Plaintiff's
5 claims were previously dismissed without prejudice. (Dkt. No. 10.)

6 Plaintiff must file an amended complaint within 30 days of the issuance of this order, or
7 her complaint will be dismissed with prejudice. The Clerk is DIRECTED to NOTE Plaintiff's
8 motion for appointment of counsel to December 1, 2017. The Clerk is further DIRECTED to
9 mail a copy of this Minute Order to Plaintiff.

10 DATED this 1st day of November 2017.

11 William M. McCool
12 Clerk of Court

13 s/Tomas Hernandez
14 Deputy Clerk